

ESTTA Tracking number: **ESTTA474238**

Filing date: **05/24/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91204382
Applicant	Plaintiff Lower Sioux Indian Community in Minnesota
Other Party	Defendant Gaming Support B.V.

### **Motion for Suspension in View of Civil Proceeding With Consent**

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Lower Sioux Indian Community in Minnesota hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Lower Sioux Indian Community in Minnesota has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Lower Sioux Indian Community in Minnesota has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/Joseph F. Halloran/  
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05/24/2012

Presently, the parties to this Opposition are involved in a lawsuit, *Lower Sioux Indian Community in Minnesota, a Federally Recognized Indian Tribe v. Gaming Support, B.V. Corporation and Gaming Support U.S.A., Inc.*, Case No. 12\*746 PJS/FLN, venued in the United States District Court for the District of Minnesota (“Lower Sioux/Gaming Support litigation”). The Lower Sioux/Gaming Support litigation includes among many claims, a claim of service

mark infringement brought by Lower Sioux against Gaming Support and its wholly-owned United States subsidiary, Gaming Support U.S.A., Inc. In that case, Lower Sioux asserts that the trademark used by Gaming Support on a world wide basis and at issue in this Opposition, JACKPOTJUNCTION, is confusingly similar to Lower Sioux's JACKPOT JUNCTION marks that are used in connection with casino and hotel services. Gaming Support denies all the allegations of infringement and likelihood of confusion related to Gaming Support's use of the mark JACKPOTJUNCTION in connection with video display devices which are purchased by sophisticated casino owners and operators.

The instant Opposition involves issues, including likelihood of confusion, that are at issue and will be fully addressed in the Lower Sioux/Gaming Support litigation, and the parties believe that the Lower Sioux/Gaming Support litigation may have a bearing on the instant Opposition proceeding. Given these facts, Lower Sioux and Gaming Support respectfully and jointly request that this Board suspend this Opposition until the Lower Sioux/Gaming Support litigation is concluded.

Respectfully submitted,

**JACOBSON, BUFFALO, MAGNUSON,  
ANDERSON & HOGEN, P.C.**

Dated: May 24, 2012

By: 

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Dated: May 23, 2012

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